

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: DISCIPLINE OF)	
ELLIOTT J. SCHUCHARDT,)	
PA ATTORNEY REGISTRATION)	
NUMBER 78911, A MEMBER)	Misc. No. 20-720-MRH
OF THE BAR OF THE)	
UNITED STATES DISTRICT)	
COURT FOR THE WESTERN)	
DISTRICT OF PENNSYLVANIA)	

ORDER

WHEREAS, this Court was advised that Elliott J. Schuchardt (“Schuchardt”), a member of the Bar of this Court, was suspended from the Bar of the United States District Court for the Eastern District of Tennessee for a period of two years, commencing December 10, 2019, with permission to seek early reinstatement to that Court at the expiration of the first year of such suspension;

WHEREAS Schuchardt, although admitted to the Bar of this Court and appearing as counsel of record in several cases pending at the time in both the District and Bankruptcy Courts in this judicial district, failed to inform this Court’s Clerk of Court about the Tennessee order of suspension, contrary to this Court’s Local Civil Rule 83.3(D)(1);

WHEREAS on June 8, 2020, the Chief Judge of this Court entered an order to show cause why an order of suspension identical to the Tennessee district court’s order should not be entered by this Court (ECF No. 1);

WHEREAS Schuchardt filed a response to the order to show cause (ECF No. 3) on July 7, 2020, arguing that the instant disciplinary matter should be dismissed as a matter of law, and no reciprocal order of discipline imposed because: 1) his appeal from the Tennessee district court’s order of suspension is pending before the Court of Appeals for the Sixth Circuit, and 2)

the Tennessee district court's disciplinary proceedings a) violated his Fifth Amendment Due Process rights, b) lacked evidentiary and legal support, and c) failed to address the appearance of impropriety by various judicial officers;

WHEREAS, upon receipt of Schuchardt's response, the Chief Judge referred this matter to this court's Disciplinary Committee (the "Committee") pursuant to Local Civil Rule 83.3D(4), which Committee presented the matter to the Board of Judges at its September 2020 meeting;

WHEREAS, upon consideration of the matter presented by the Committee, a majority of the active district judges, concluding that, upon the face of the record, none of the factors set out at Local Civil Rule 83.3D(4)(a)-(d) clearly appeared, voted to: 1) reciprocally suspend Schuchardt from the Bar of the this Court for a period of two years, effective retroactively to December 10, 2019, without prejudice to Schuchardt's ability to seek reconsideration if the Court of Appeals for the Sixth Circuit stays, reverses, or vacates the suspension order entered by the United States District Court for the Eastern District of Tennessee, and 2) take no further action during Schuchardt's period of reciprocal suspension based upon what appears to be Schuchardt's independent violation of Local Civil Rule 83.3(d)(1) (failure to advise this court of his suspension from the Bar of the United States District Court for the Eastern District of Tennessee), without prejudice to the Board's reconsideration of that decision at any time;

AND NOW, this 22nd day of September 2020, IT IS HEREBY ORDERED that Elliott J. Schuchardt is SUSPENDED from the practice of law in the United States District Court for the Western District of Pennsylvania for a period of two years, effective retroactively to December 10, 2019, which order also precludes his practice before the United States Bankruptcy Court for the Western District of Pennsylvania;

IT IS FURTHER ORDERED that Schuchardt is advised of his obligation to affirmatively seek an order of reinstatement upon expiration of his period of suspension. L.CvR. 83.3E;

IT IS FURTHER ORDERED that while the period of suspension hereunder is measured from the date of Schudhardt's suspension by the United States District Court for the Eastern District of Tennessee, the entry of this Order does not affect or invalidate any action taken or filing made by Schuchardt or the Court as to any matter before this Court, or the Bankruptcy Court for this District, unless so directed by further Order of the presiding judicial officer;

IT IS FURTHER ORDERED that Schuchardt shall within fourteen (14) days of the date of this Order provide a copy of this Order to all parties he is now representing or has since December 10, 2019 represented in this Court or in the Bankruptcy Court for this District, and shall at such time also advise them in writing of the necessity of their obtaining alternate legal counsel; and

IT IS FINALLY ORDERED that the Clerk of this Court shall provide a copy of this Order to each judicial officer presiding over any currently pending action in this Court, or the Bankruptcy Court for this District, in which Schuchardt has entered his appearance as counsel of record.

FOR THE COURT:

/s/ Mark R. Hornak

Mark R. Hornak

Chief United States District Judge